



***United States Attorney  
Southern District of New York***

**FOR IMMEDIATE RELEASE  
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**FORMER SOLDIER CHARGED WITH MAKING FALSE STATEMENTS ON  
NATURALIZATION APPLICATION BASED ON MILITARY STATUS**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, and MARTIN FICKE, the Special Agent in Charge of the New York Office of Department of Homeland Security, Immigration and Customs Enforcement, announced today that MARCUS FORVIL, 37, of Brooklyn, New York, was arrested and charged with making false statements relating to his status in the military on his naturalization application and at his naturalization interview.

According to the Complaint filed in Manhattan federal court on December 13, 2004, FORVIL filed an Application for Naturalization on the basis of qualifying military service. In that application, FORVIL allegedly stated that he was employed by the National Guard from July 2002 to the present.

According to the Complaint, FORVIL appeared for a naturalization interview at the New York District Office of the

United States Citizenship and Immigration Services. After being sworn under oath, FORVIL allegedly provided a military identification card upon request, and stated that he was an active duty officer with the United States Army from 2004 to the present, stationed in Fort Dix, New Jersey. It is alleged FORVIL further stated that he was on active military duty in Iraq from April 9, 2004 to May 25, 2004. FORVIL allegedly confirmed that he had never been "arrested, cited or detained by any law enforcement officer (including INS and military officers) for any reason." On September 3, 2004, the immigration officer recommended that FORVIL's application for naturalization be approved. On September 17, 2004, FORVIL was sworn in as a citizen of the United States. FORVIL attended the swearing-in ceremony in military uniform.

According to the Complaint, however, on or about April 9, 2004, FORVIL was scheduled to be deployed to Iraq, but never reported for duty. FORVIL was cited for his unexcused absence, and was charged with two counts of AWOL and two counts of missing movement, and was referred for court martial. On August 5, 2004, FORVIL was reduced to the lowest rank and separated from the United States Army with an "Other than Honorable Discharge." Because of the circumstances of his separation from the army,

namely, the "Other than Honorable Discharge," FORVIL is no longer entitled to wear his military uniform.

The defendant is charged in the Complaint with making false statements, namely statements in forms submitted to the Department of Homeland Security, United States Citizenship and Immigration Services that he is an active duty member of the Armed Forces of the United States Army. If convicted, the defendant faces a \$250,000 fine or 5 years' imprisonment, and a \$100 special assessment.

The defendant was presented on December 15, 2004 before United States Magistrate Judge THEODORE H. KATZ in Manhattan federal court. The defendant was released on bail.

Mr. KELLEY praised the efforts of the Department of Homeland Security, Immigration and Customs Enforcement, and the United States Marshals Service, Regional Fugitive Task Force in this case and said that the investigation is continuing.

Mr. FICKE stated, "It is a slap in the face to every soldier who has earned citizenship by honorably serving in the United States Military. If he had served honorably, then he may have been entitled to citizenship. This action shows us that his personal integrity appears to be as weak as his sense of honor."

Assistant United States Attorney CHRISTINE Y. WONG is in charge of the prosecution.

The charge contained in the Complaint is merely an accusation, and the defendant is presumed innocent unless and until proven guilty.

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